

## REMARKS/ARGUMENTS

### ***I. Previous Attempts to Contact the Applicant's Representatives***

At the outset, the Applicant respectfully notes that, both in the aforementioned Office action and in an earlier Office action dated April 19, 2006, Examiner Tran stated that he made telephone calls to the Applicant's representatives to notify them of certain restriction requirements. These telephone calls were stated to have been made to the Applicant's representatives on April 17, 2006 and on July 24, 2006.

In view thereof, the Agents for the Applicant find it necessary to specifically state that they do not have any record, nor any recollection, of ever having received such telephone calls from Examiner Tran – and neither do the Agents for the Applicant have any record of ever having received any voicemail messages from Examiner Tran. The Agents for the Applicant find the present situation somewhat troubling since, in addition to employing competent staff to answer and direct telephone calls during normal business hours, the Agents for the Applicant have a system in place that has, at all previous times, been effective to monitor and record any and all voicemail messages that have been left for such Agents at any time of the day or night – 24 hours a day and 7 days a week. Moreover, the Agents for the Applicant have successfully received innumerable telephone calls and voicemail messages from many different Examiners of the USPTO over the past several years, all without any previous incidents of missed calls or messages.

Now, it is perhaps worthwhile to respectfully note that it is uncertain, from the brief statements made in the aforementioned Office actions, (i) whether either or both of Examiner Tran's telephone calls may have been successful or unsuccessful in reaching the offices of the Applicant's representatives, (ii) whether Examiner Tran may have left voicemail messages for the Applicant's representatives, and/or (iii) whether Examiner

Tran spoke with persons that may have falsely identified themselves as the Applicant's representatives.

At this time, therefore, the Agents for the Applicant respectfully request the provision of any additional details which may be available to help identify the source of any previous difficulties in reaching them. For the purpose of ensuring ease of contact in the future, the Agents for the Applicant respectfully draw the Examiner's attention to their contact telephone number – i.e., (905) 634-0040 – which is, once again, respectfully set forth hereinbelow.

## ***II. Change of Assignee Address***

The Applicant hereby respectfully requests that the address of the assignee, Talon Customizing House Limited, be amended to read as follows:

7631 Bath Road  
Mississauga, Ontario  
Canada L4T 3T1

## ***III. Election / Restriction Requirement***

By way of background, the Applicant notes that any references made hereinbelow to the claims of the application are made to the claims as amended in the response dated May 19, 2006, i.e., the response to the Office action issued April 19, 2006.

In the Office action of July 28, 2006, the Examiner identified two species of lifting means and five species of display means. In the table on the following page, these species are identified in conjunction with the representative figures noted by the

Examiner, and with reference to the claims which are hereby respectfully submitted by the Applicant as reading thereon:

Species	Figure(s)	Claims	Generic Claims
Lifting Means I	1-7	60-73, 103	1-10, 43-59, 83-86, 88-102, 104
Lifting Means II	18-28	74-82, 107-110	
Display Means I	1-11	12-34, 40-42, 87, 105	
Display Means II	12	35-39	
Display Means III	14-16	12-19, 21-31, 40-42, 87	
Display Means IV	17-18, 27-28	11, 106	
Display Means V	21-23	11, 106	

#### ***A. Lifting Means Election***

With reference to the two species of lifting means identified in the table hereinabove, the Applicant accepts the Examiner's restriction requirement under 35 U.S.C. 121, and the hereby elects, without traverse, to presently restrict prosecution of this application to the Lifting Means II species (Claims 74-82 and 107-110).

#### ***B. Display Means Election***

With reference to the five species of display means identified in the table hereinabove, the Applicant respectfully submits, by way of at least partially traversing the Examiner's election requirement, that species Display Means I and III are not patentably distinct from one another. In this regard, the Applicant respectfully directs the Examiner's attention to Paragraph 90 of the application, where it is stated, *inter alia*, (A) that the display means shown in Figure 11 (i.e., the Display Means I species) is a generally

rectangular display panel with corners formed substantially at right angles, and (B) that the display means shown in Figures 14 and 15 (i.e., the Display Means III species) is a generally rectangular display panel with rounded corners. It is respectfully submitted that the aforementioned difference is a very minor one. The Applicant also respectfully notes that all of the claims identified in the table hereinabove as reading on the Display Means III species are subsumed within the claims which are hereinabove identified as reading on the Display Means I species. For these reasons, among others, the Applicant respectfully submits that Display Means I and III are not patentably distinct from one another.

At this stage, the Applicant also respectfully notes that, during the aforementioned telephone interview with Examiner Tran on August 15, 2006, Examiner Tran agreed that the Display Means IV and V species are not patentably distinct from one another. In this regard, Examiner Tran found Paragraphs 40-42 of the application – where it is stated that Figures 21-23 (i.e., the Display Means V species) are further depictions of the apparatus illustrated in Figure 18 (i.e., the Display Means IV species) – sufficiently persuasive for him to conclude, as aforesaid, that the Display Means IV and V species are not patentably distinct from one another. Accordingly, the Applicant respectfully submits and the Examiner has agreed, by way of further traversing the Examiner's former election requirement, that species Display Means IV and V are not patentably distinct from one another.

In view of all of the above, the Applicant hereby elects, with at least partial traverse, to presently restrict prosecution of this application to the Display Means I species (Claims 12-34, 40-42, 87 and 105).

### ***C. Generic, Remaining and Withdrawn Claims***

The Applicant has hereinabove identified Claims 1-10, 43-59, 83-86, 88-102 and 104 as being generic.

In view of the foregoing elections, Claims 1-10, 12-34, 40-59, 74-102, 104-105 and 107-110 remain under prosecution in this application, each of which claims is either generic to, or reads on, the elected species of the invention.

Claims 11, 35-39, 60-73, 103 and 106, which have been identified as being drawn to non-elected species of invention, are hereby withdrawn. The withdrawal of these claims is without prejudice to the Applicant's right to re-introduce these claims into the present application upon a finding of allowability in respect of any generic claim, or to re-present these claims in a later filed continuation or divisional application. In addition, the Applicant respectfully submits that the withdrawal of these claims does not affect the inventorship for the present application.

***D. Additional Notes Concerning the Most Recent Restriction Requirement***

The Applicant notes that this paper is provided in response to Examiner Tran's second restriction requirement – i.e., despite the Applicant having previously filed, on May 19, 2006, a response that was fully-compliant with the Examiner's first restriction requirement (which was set out in the Office action dated April 19, 2006). At this time, therefore, the Applicant respectfully notes its concern and continuing desire to avoid a piecemeal examination – as discussed in Section 707.07(g) of the *Manual of Patent Examining Procedure* – so that the Applicant might likewise avoid undue delay and/or excessive cost in the prosecution of the application. It is believed, by the Applicant, that the present response is fully compliant with the Examiner's latest restriction requirement.

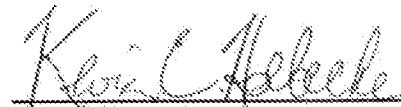
As such, the Applicant respectfully submits that the application is now in condition to receive substantive examination of the claims, and further, that these claims are presently in condition for allowance.

#### ***IV. Summary***

Consideration of the application with a view toward timely issuance of a Notice of Allowance is respectfully requested. If after reviewing this response, the Examiner believes that a telephone or personal interview would facilitate the resolution of any remaining matters, the undersigned attorney may be contacted at the telephone number set forth hereinbelow.

Respectfully submitted

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